

**SEVENTEENTH DAY.**

Senate Chamber,  
Austin, Texas,  
September 17, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum. Greer.

**Senator Excused.**

Senator Greer was excused on account of important business on motion of Senator Oneal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

**Senate Bill No. 3.**

The Chair laid before the Senate on special order the following bill:

S. B. No. 3, A bill to be entitled "An Act creating Colorado River Authority, a governmental agency, body politic and corporate, as a water control and conservation district under Section 59 of Article 16 of the Constitution, for the purposes therein set out, without power of taxation, and without power to create any debt payable out of taxation, or

to pledge the credit of the State; defining the powers thereof; the purposes, powers and authority of said district, authorizing the storing, controlling, conservation, and distribution of the waters of the Colorado River and its tributaries, for irrigation, domestic, industrial and municipal uses, and the development, generation, distribution and sale of water power and electric energy, with authority to make contracts, leases and agreements; providing for the preservation of the priority of existing water rights and control by the State Board of Water Engineers over the use of water by said district; providing for a board of directors to manage the affairs of said district, under the control of the State Board of Water Engineers, and for the selection of a secretary, general manager, engineers, attorneys, and other agents and employees; setting out the domicile of said corporation and providing for the keeping of records thereof; providing for acquiring, constructing, maintaining, and operating of all necessary properties, lands, rights, easements and improvements, and conferring the authority of eminent domain; authorizing such district to borrow money and to issue obligations in payment of money borrowed or of property acquired, and prescribing the terms and conditions of the issuance of such obligations, and the pledging of the property and income of the district to secure the payment thereof; prescribing all necessary details; providing that if any of the provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be effected; and declaring an emergency."

Senator Martin moved to postpone further consideration on S. B. No. 3, until Tuesday morning at 10 o'clock.

Senator Hornsby moved to table the motion by Senator Martin.

The motion to table prevailed.

**Yeas—15.**

Beck.	Purl.
Duggan.	Regan.
Holbrook.	Sanderford.
Hopkins.	Stone.
Hornsby.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Parr.	

**Nays—9.**

Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Martin.	Rawlings.
Moore.	

**Absent.**

Cousins.	Redditt.
Patton.	Small.

**Absent—Excused.**

Fellbaum.	Greer.
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Senator Woodward sent up the following amendment to S. B. No. 3:

Amend S. B. No. 3, Section 2 (s) by adding after the word "entitled," page 3 line 48 of the printed bill, the following "for any purpose."

**WOODWARD.**

Read and adopted by viva voce vote.

Senator Woodward sent up the following amendment:

Amend S. B. No. 3 by adding after the word "tributaries" line 60, page 3 the following:

"for irrigation beyond or outside of the district hereby created" and by adding the word "so" after the word "to" in line of page 3.

**WOODWARD.**

Read and adopted by viva voce vote.

Senator Oneal sent up the following amendment:

Amend committee substitute for S. B. No. 3, by striking out of Subsection (s) of Section 2, immediately after the word "district" in line 9 of page 4 of the printed bill the words:

"and/or anyone who may succeed to the rights and privileges conferred upon it by this Act."

And by striking out of the same subsection, beginning immediately after the word "district" in line 23 of page 4 of the printed bill, the words:

"or any successor, or by anyone who may succeed to the rights and privileges conferred upon it by this Act."

**ONEAL.**

Read.

Senator Oneal asked unanimous consent for his first amendment to lie on the table subject to call until

his second amendment could be sent up and acted upon.

Consent was granted.

Senator Oneal sent up the following amendment:

Amend committee substitute for S. B. No. 3 by adding immediately after Section 10, of section to be numbered and known as No. 10-A as follows:

"It is an integral and specific part and provision of this Act that no sale or other alienation of any of the property or rights of the Lower Colorado River Authority shall ever be made in receivership proceedings, or otherwise, so that the same may come into the ownership or control, directly or indirectly, of any person, firm, or corporation other than a public authority created under the laws of the State of Texas, except the property described in Subsection (g) of Section 2, hereof."

**ONEAL.**

Read and adopted by viva voce vote.

Amendment No. 1 by Senator Oneal was withdrawn.

Senator Oneal sent up the following amendment:

Amend committee substitute for S. B. No. 3, by striking out all of Section 14 and inserting in lieu thereof the following:

Sec. 14. Nothing in this Act shall be construed as authorizing the district to mortgage under any circumstances of its property to sell or lease any of such property or interest, unless the board, by an affirmative vote of six of the members thereof shall have determined that the same is not necessary or convenient to the business of the district, and shall have approved the terms of such sale, or lease; provided, however, this section shall not be construed as preventing the pledge of the revenues of the district as herein authorized.

**ONEAL.**

Read.

The third amendment by Senator Oneal to S. B. No. 3 was read the second time and adopted by viva voce vote.

Senator Oneal asked unanimous consent that the caption be amended to conform.

The bill was passed to engrossment by viva voce vote.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 3 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent.

Cousins.

Absent—Excused.

Fellbaum. Greer.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Patton.
Blackert.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—1.

Collie.

Absent.

Cousins. Moore.

Absent—Excused.

Fellbaum. Greer.

#### Senate Resolution No. 11.

Senator Holbrook sent up the following resolution:

Whereas, After thirty-seven years of fruitful labor as pastor of the

First Baptist Church at Dallas, Dr. Geo. W. Truett returned to his congregation last Sunday from Berlin, Germany, with a message of "Peace on Earth and Good Will Toward Men," and,

Whereas, At that meeting a great concourse of friends of every creed and from all walks of life greeted this noted divine with an outburst of confidence and affection unequalled in the annals of his church.

This was but an added testimonial of those who love him, to his long and distinguished career. They recognize in him, not only a pastor without a peer, but in a broader sense, a great citizen, whose name and fame has become a household word throughout the world.

The fact that Dr. Truett was unanimously chosen as president of the Baptist World Alliance at the recent meeting in Berlin, is evidence of his high standing in the religious world. For more than a quarter of a century he has been one of the outstanding pulpit orators of his generation, and it is certain that history will accord him a place in that field along side such immortals as Spurgeon, Beecher and DeWitt Talmadge.

The fact that all his years from early childhood has been spent in Texas that he came from poor but noble parentage; that his education was obtained by working his way through Texas schools, will be an inspiration to the youth of his adopted state, from generation to generation.

All Texas is proud to claim him as their own exponent of the noblest heritage of their race. His spotless character and upright life radiates with an eminence reached and held by but a few men. Possessed by a democracy and a religion that appeals to all, his very presence leads his followers into "ampler ether of a divine air." Premises considered, it is

Resolved, by the Senate of Texas, That it feels honored in joining Dr. Truett's friends everywhere in congratulating him on his recent elevation to a higher post of honor and wishes for him many more years of useful and distinguished service to the members of his church and to the world; be it further

Resolved, That this testimonial be printed in the Journal and a copy of

same be mailed by the Secretary of the Senate to Dr. Truett.

HOLBROOK.

Read and unanimously adopted.

Senator Purl moved that the name of all the Senators be added.

Beck,	Pace,
Blackert,	Parr,
Collie,	Patton,
Cousins,	Poage,
DeBerry,	Purl,
Duggan,	Rawlings,
Fellbaum,	Redditt,
Greer,	Regan,
Hopkins,	Sanderford,
Hornsby,	Small,
Martin,	Stone,
Moore,	Woodruff,
Murphy,	Woodul,
Neal,	Woodward.
Oneal,	

#### Messages From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following messages:

Austin, Texas, Sept. 17, 1934.

To the Forty-third Legislature in Third Called Session:

Upon the request of Representatives Duvall, Greathouse, Patterson, Shannon and Renfro, I submit for your consideration the attached bill to be entitled: "An Act to provide a more adequate manner of compensating county judges in counties which have a population of not less than 195,000 and not more than 200,000, according to the 1930 United States census, and providing for the employment of a stenographer and other help for such judges, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 15, 1934.

To the Forty-third Legislature in Third Called Session:

By request of Representatives Moore, Morse, Bradley, Mathis, Holland and Senator Woodul, I submit for your consideration a bill hereto attached to be entitled: "An Act to amend Section 2, Chapter 8, of the General Laws of the Thirty-fourth Legislature, passed at its First Called Session, as amended by Senate Bill No. 143, Section 2, Chapter 24, of

the General Laws of the Forty-first Legislature, passed at its Regular Session in 1929; also providing for an official court reporter of the County Court at Law No. 2 of Harris County, Texas, fixing the duties and compensation of said reporter, conferring civil as well as criminal jurisdiction upon said courts, providing for fixing and docketing and transferring causes, and fixing effective date."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 15, 1934.

To the Forty-third Legislature in Third Called Session:

By request I submit for your consideration the attached bill to be entitled "An Act defining 'oleomargarine' and other terms used in this Act: imposing a tax of ten cents per pound on certain oleomargarine, prescribing the method for collecting said tax; \* \* \*, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 17, 1934.

To the Forty-third Legislature in Third Called Session:

By request of Representatives Hankamer, Clayton, Jackson and Senators Duggan, Regan and Stone, I submit for your consideration the attached bill to be entitled: "An Act amending Section 3 of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, and as amended by Chapter 29, Acts of the Second Called Session of the Forty-third Legislature, same being House Bill No. 79, so as to provide the method of prorating the funds provided in said chapter, fixing date for filing claim under said appropriation \* \* \* and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 17, 1934.

To the Forty-third Legislature in Third Called Session:

At the request of Senator A. P. Duggan, I submit for your consideration the attached bill to be entitled: "An Act to declare a closed season on the killing of blue quail, bob

whites, and doves in Terry County for a period of five years, prescribing a penalty therefor, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 15, 1934.

To the Forty-third Legislature in Third Called Session:

By request of Representatives Davidson, Hodges, Harmon and Ford, I submit for your consideration the attached bill to be entitled: "An Act making it unlawful to kill wild fox, or to take or have in one's possession for barter or sale the pelts of wild fox, in certain counties; providing a penalty for violation of this Act; and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

#### Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Sept. —, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 14, Directing the Commissioner of Agriculture of the State of Texas to investigate the discrimination against Texas grown tomatoes and the Texas farmer.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Resolution Referred.

H. C. R. No. 14 was read and referred to the Committee on Agriculture.

#### Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages from the Governor:

Executive Office,

Austin, Texas, Sept. 17, 1934.

To the Forty-third Legislature in Third Called Session.

By request of Senator Duggan, I submit for your consideration the

attached bill being: "An Act validating, ratifying and approving ordinances of all home rule cities in this State having a population of more than twenty thousand (20,000) and less than twenty-one thousand (21,000) inhabitants, according to the last preceding Federal census; relinquishing discontinuing, and segregating territory in the corporate limits of said home rule cities."

By request of Representatives Leonard, Celaya, Glass, Young and others, I submit for your consideration the attached bill being: "An Act to provide that cities with a population of more than nine thousand and seventy (9,070) and less than nine thousand and eighty (9,080) inhabitants according to the last preceding Federal census, may mortgage and encumber their abattoirs and the income thereof, for the purpose of constructing, acquiring or improving the same; and declaring an emergency."

By request, I submit for your consideration the attached bill being: "An Act to amend Chapter 95 of the General Laws of the State of Texas Passed by the Regular Session of the Thirty-ninth Legislature, approved March 19, 1925, creating the Commission in aid of the Court of Criminal Appeals of Texas, as amended; and declaring an emergency."

By request of the Railroad Commission, I submit for your consideration the attached bill being: "An Act further prescribing the powers and duties of the Railroad Commission of Texas in respect to the conservation of oil and gas and the regulation of the production, storage, transportation, sale and handling thereof; amending Section 14 of Chapter 26 of the Acts of the First Called Session of the Forty-second Legislature; prohibiting the purchase, transportation, sale or handling of crude petroleum oil or natural gas produced in violation of any statute or any rule; and declaring an emergency."

By request of Representative Merritt, I submit for your consideration the attached bill being: "An Act relating to the duties of the county board of trustees of public schools of this State, in all counties having an area of not more than 900 square miles and not less than 875 square miles and a population of not less than 8500 and not more than 8650 inhabitants, according to the last

preceding Federal census, authorizing them to condemn land for school purposes; and declaring an emergency."

By request of Representative John Laird, I submit for your consideration the attached bill being: "An Act providing for an open season on squirrels in Tyler County, providing a penalty, and declaring an emergency."

By request of Representatives Reader and Kayton, I submit for your consideration the attached bill being: "An Act making appropriation for the continuation of malaria control by the State Board of Health, and declaring an emergency."

At the request of Senators Stone, Sanderford, Poage, and others I submit for your consideration the attached bill to be entitled "An Act to aid the Brazos River Conservation and Reclamation District in preparing the necessary plans, specifications and data and in making the necessary surveys, and in acquiring the necessary lands, leases, easements and/or acquittances, and in building or having built and/or cooperating in the building of proper structures, reservoirs and levees suitable for the control, insofar as practicable, of the flood waters of the Brazos River watershed, declared to be a public calamity; and declaring an emergency."

At the request of Representative Hartzog, I submit for your consideration the attached bill being: "An Act authorizing cities and towns with a population of more than one thousand and located on the Coast of Texas or any Bay, Gulf or inlet and in which commercial fishing and shrimping is an established industry to build or purchase municipal fish markets; and declaring an emergency."

By request of the Commissioner of the General Land Office of Texas, I submit herewith for your consideration a bill to be entitled "An Act to extend the time for the payment of notes or obligations executed prior to November 1, 1901, by purchasers of school land for the unpaid balance of principal due the State thereon, such extensions to be for a period of ten years from and after the passage of this Act; and declaring an emergency."

By request of Representative Gordon Burns, I submit for your con-

sideration the attached bill being: "An Act making it a penal offense for any officer or employee of the Texas Prison System, or any other person, to instigate, connive, attempt to cause, assist in or conspire with others to cause any mutiny or riot, or in any manner aid in the escape of any prisoner from the Texas Penitentiary, from any prison farm, or from any prison transfer truck, or who in any manner, either directly or indirectly, furnishes aid to or harbors and conceals any prisoner who has escaped from such penitentiary, prison farm, or prison transfer truck, providing the penalty and punishment therefor; and declaring an emergency."

At the request of Honorable George H. Sheppard, Comptroller of Public Accounts, I submit for your consideration the attached bill being: "An Act amending Sections 1, 4, 6 and 8 of Chapter 162, H. B. No. 154, Acts of the Regular Session of the Forty-third Legislature, and Sections 2, 3, 5 and 9 of Chapter 162, H. B. No. 154, as amended by Chapter 12, H. B. No. 55, Acts of the First Called Session of the Forty-third Legislature, defining certain words and terms; providing for a levy of occupation tax on oil produced; providing for credit for taxes paid by mistake; providing that tax levied shall be a liability on producer, first purchaser and subsequent purchaser; providing that first purchaser shall pay tax levied; providing that failure of first purchaser to pay tax does not relieve others liable for the tax; providing for payment of tax on oil produced but not sold; and declaring an emergency."

By request of Representatives Cavin and Holloway, I submit for your consideration the attached bill being: "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 48,600 and not more than 49,000 according to the last Federal census, and declaring an emergency."

By request of Senator J. W. E. H. Beck, I submit for your consideration the attached bill being: "An Act to prohibit the sale of Barbituric Acid or derivatives and compounds thereof under any copyrighted or chemical names except the wholesale drug houses, chemical houses and dispensing pharmacies or practicing

physicians; providing that the same may not be dispensed except by a practicing physician or retail pharmacy on prescriptions written by a legally qualified practicing physician; providing certain rules and regulations; prescribing a penalty for the violation of this Act; and declaring an emergency."

At the request of Representatives Bradley, Holland, Morse, Mathis, and Moore, I submit for your consideration the attached bill being: "An Act amending Chapter 19, H. B. No. 88, Acts of the Second Called Session of the Forty-third Legislature, declaring the policy of the Legislature to provide for the general welfare by cooperation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors and processors of milk and milk products; and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON.  
Governor of Texas.

#### S. C. R. No. 10.

The Chair laid before the Senate the following resolution:

S. C. R. No. 10, Providing for the investigation of the Texas Relief Commission and County Relief Boards, and any and all persons connected with the distribution of relief funds authorized under provision of all Relief Acts enacted by the Legislature of Texas heretofore enacted and to be enacted by this Session of the Legislature, etc.

Senator Sanderford moved that S. C. R. No. 10 be laid on the table subject to call.

The motion prevailed.

#### Recess.

On motion of Senator Stone the Senate recessed until 2:00 o'clock p. m.

#### After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Edgar E. Witt.

#### Senate Bill No. 11.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 11, A bill to be entitled "An Act amending Title 42, Chapter 13, Part 2, R. C. S. 1925, with reference to receivers and receiverships by adding thereto the following article to be known as Article 2320-a, authorizing proceedings by persons defined herein in the relief of debtors and providing for reorganization and readjustment of their indebtedness and affairs, providing the method, means and manner thereof and for proceedings in furtherance and aid thereof and for the adjudication of the rights of parties affected; prescribing jurisdiction and the power and authority of judges and courts in the premises to protect the assets of such debtors and to safeguard and insure the continuation of the business of such debtors to the end that they shall continue to provide employment for labor and to encourage the orderly and economical administration of the affairs of such debtors, and providing generally for the relief of distressed debtors, and declaring an emergency."

Senator Poage asked permission that S. B. No. 11 be laid on table, subject to call.

Permission was granted.

#### Senate Bill No. 9.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 9, A bill to be entitled "An Act to aid the Brazos River Conservation and Reclamation District in preparing the necessary plans, specifications and data and in making the necessary surveys, and in acquiring the necessary lands, leases, easements and/or acquittances, and in building or having built and/or cooperating in the building of proper structures, reservoirs and levees suitable for the control, insofar as practicable, of the flood waters of the Brazos River watershed, declared to be a public calamity, granting and donating to said district for a period of twenty years all of the State ad valorem taxes in the following counties, which otherwise would go into the General Revenue Fund of the State of Texas, viz.: Austin County, Brazoria County, Burleson County, Fort Bend County, Grimes County, Waller County, Washington County, Brazos County, Milam County, Robertson

County, said grant being contingent upon the receiving by said district of a grant and/or loan and/or advancement from the United States of America of a sum sufficient to effect the performance of this Act, on or before January 1, 1940, and declaring certain things incidental to said purposes, providing for the segregation of said funds in the State Treasury, providing a penalty for the misapplication of the moneys thus donated, providing for the investment of available funds, providing for a system of accounting, and declaring an emergency."

The bill was read the second time.

Pending.

#### **Senate Bill No. 16.**

Senator Martin sent up the following bill:

By Senators Martin, Holbrook, Beck, Woodward, Moore, Patton, Pace, Sanderford:

S. B. No. 16, A bill to be entitled "An Act to amend Chapter 95 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 19, 1925, creating the Commission in Aid of the Court of Criminal Appeals of Texas, as amended by Chapter 40 of the General Laws of the State of Texas, passed by the Regular Session of the Fortieth Legislature, approved February 18, 1927, as amended by Chapter 137 of the General Laws of the State of Texas, passed by the Regular Session of the Forty-first Legislature, approved March 2, 1929, providing for the creation of a commission for the aid and assistance of the Court of Criminal Appeals of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; fixing the salaries of the commissioners, and the manner of payment thereof; and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

#### **Senate Bill No. 17.**

Senator Duggan sent up the following bill:

By Senator Duggan:

S. B. No. 17, A bill to be entitled "An Act amending Section 3, of Chapter 67, Acts of the First Called

Session of the Forty-third Legislature, same being Senate Bill No. 52, and as amended by Chapter 29, Acts of the Second Session of the Forty-third Legislature, same being House Bill No. 79, so as to provide the method of prorating the funds provided in said chapter, fixing date for filing claims, under said appropriation, providing that the claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and/or prosecuting said claims; declaring it is to be the intention of this Act to reimburse growers for expenses incurred in sterilizing cotton seed and fumigating cotton where same is produced in Texas, whether ginned in this State or some other, if said expense was charged by reason of the Texas Regulatory Laws, in such cases, providing that when any claim is paid only in its proportionate part, said claim shall be receipted for in full and no further payment made by the State on said claim, and declaring an emergency."

Read and referred to the Committee on State Affairs.

#### **Senate Bill No. 10.**

Senator Sanderford asked permission to take up and consider at this time S. B. No. 10.

S. B. No. 10, A bill to be entitled "An Act validating all concurrent resolutions adopted at previous sessions of the Legislature granting to persons, firms or corporations permission to sue the State of Texas to any of its courts upon claims against the State, providing that same shall be effective both as to suits already filed and pending and as to suits hereafter filed by authority of said concurrent resolution, providing that nothing therein shall operate to create any cause of action against the State, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Sanderford, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 10 was put



on its third reading and final passage by the following vote:

## Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Fellbaum.	Greer.
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Read third time and finally passed by the following vote:

## Yeas—21.

Blackert.	Poage.
Cousins.	Rawlings.
Duggan.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Parr.	

## Nays—5.

Beck.	Oneal.
Collie.	Pace.
DeBerry.	

## Absent.

Patton.	Purl.
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## Absent—Excused.

Fellbaum.	Greer.
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## Senate Bill No. 18.

Senator Beck sent up the following bill:

By Senator Beck:

S. B. No. 18, A bill to be entitled "An Act to prohibit the sale of barbituric acid or derivatives and compounds thereof under any copyrighted or chemical names, except to wholesale drug houses, chemical

houses and dispensing pharmacies or practicing physicians; providing that the same may not be dispensed except by a practicing physician or retail pharmacy on prescriptions written by a legally qualified practicing physician; providing certain rules and regulations; prescribing a penalty for the violation of this Act; and declaring an emergency."

Read and referred to the Committee on Public Health.

## Senate Bill No. 9.

S. B. No. 9 as recurring business.

Senator Stone sent up the following amendment to S. B. No. 9:

Amend S. B. No. 9, page 4, lines 2 and 3, by striking out the words "person, firm, corporation or."

Read and adopted by viva voce vote.

## Special Order.

Senator DeBerry moved that S. B. No. 9 be set as special order, Tuesday morning after the morning call.

The motion was lost by the following vote:

## Yeas—9.

Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Redditt.
Moore.	Small.
Murphy.	

## Nays—14.

Beck.	Patton.
Duggan.	Poage.
Holbrook.	Sanderford.
Hopkins.	Stone.
Hornsby.	Woodruff.
Martin.	Woodul.
Parr.	Woodward.

## Absent.

Cousins.	Rawlings.
Neal.	Regan.
Purl.	

## Absent—Excused.

Fellbaum.	Greer.
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Senator Redditt sent up the following amendment:

Amend S. B. No. 9, Section 7, page 3, line 44, by inserting after the word "size," the following: "the amount in no event to be less than

Thirty Million (\$30,000,000.00)  
Dollars."

REDDITT.

Read and adopted by the following vote:

Yeas—13.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Moore.	Small.
Murphy.	

Nays—9.

Holbrook.	Stone.
Hornsby.	Woodruff.
Martin.	Woodul.
Parr.	Woodward.
Poage.	

Absent.

Cousins.	Patton.
Hopkins.	Purl.
Neal.	Regan.

Absent—Excused.

Fellbaum.	Greer.
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At Ease.

The Senate, at 3:25 o'clock p. m.,  
stood at ease until 3:40 o'clock p. m.

Senate Bill No. 9.

Senator Oneal sent up the following amendment to S. B. No. 9:

Amend S. B. No. 9, by adding after Section 9 thereof additional sections to be known as Sections No. 10, 11, 12, 13, 14, 15 and 16 in words and figures as follows:

Section 10. If this Act should not become null under the provisions hereof, then not later than fifteen (15) days before the convening of the commissioners' court as a boards of equalization in said county, it shall be the duty of the commissioners' court by an order entered upon its minutes to fix the day and hour for a hearing when it should meet as a board of equalization under authority of Article 7206 of the Revised Civil Statutes, 1925. Immediately after the order is entered, it shall be the duty of the county clerk to send by registered mail a certified copy of said order to the Attorney General of the State of Texas, at Austin, Texas.

Section 11. When such notice has been received by the Attorney General, it shall be his duty to attend said hearing in person or by one or more assistants, if he deems it for the best interest of the State of Texas. If, in the opinion of the Attorney General, he deems it to be to the best interest of the State of Texas that he or his assistants be present at the hearing, he shall in writing notify the county clerk of said county of his intention to be present and it shall be the duty of said county clerk on receipt of said notice and before the day set for said hearing, immediately to notify the county judge that the Attorney General has advised that he desires to participate in said hearing.

Section 12. Upon the meeting or convening of said board of equalization, the Attorney General, if he be present, or such of his assistants as he may have designated, shall have the right to inspect any and all renditions, assessments, assessment books or lists of assessments of the assessors of taxes under the jurisdiction of said board of equalization and if in the opinion of the Attorney General, or his designated assistants, the valuation of any property has not been fixed in accordance with the laws of the State of Texas, or the same is not being assessed at its fair valuation for the purpose of taxation, he shall demand that a day be set by the board of equalization for a hearing, at which hearing the fair and correct value at which said property should be rendered or assessed shall be fixed and determined; the date of said hearing shall be not more than forty-five (45) days from the date upon which said hearing is demanded.

Section 13. The owner or owners of any property, the value of which is to be determined in accordance with the terms of this Act, shall be duly notified of such hearing in the time now provided by law for hearings before boards of equalization, and upon said hearing, the Attorney General or his assistants shall have the right, and it is made their duty to subpoena all witnesses and introduce all pertinent evidence touching the valuation of said properties and demand and receive access to any and all books and records of said property owners, which may be

deemed necessary in order to establish the true value of the property. The owner or owners of said property shall have all rights herein granted to the Attorney General, and assistants, and in addition thereto shall have all rights now granted to them under existing laws.

Section 14. The State of Texas or the owner or owners of said property shall have the right to appeal from any order of the board of equalization fixing the value of any property for taxation purposes; notice of appeal shall be given by the Attorney General or his assistants or by the owner or owners of said property. The appeal shall be to the district court having jurisdiction over said county or if there be more than one district court having said jurisdiction, then any of them; and the trial shall be de novo. The only issue to be determined in said court shall be the question of proper valuation as provided for in Chapter 7, Title 122, Revised Civil Statutes, 1925; and especially Articles 7211 and 7212 thereof.

Section 15. The failure, refusal or neglect of the commissioners' court to enter the order provided for herein and its failure, refusal or neglect to conduct a hearing upon the request of the Attorney General as herein provided or the failure, refusal or neglect of the county clerk to send, in the manner provided herein, a certified copy or the order for said hearing to the Attorney General shall constitute official misconduct and said officer may be removed from office in the manner prescribed by law save and except that venue in such cases may be had in the county or where the officer sought to be removed resides.

Section 16. That the provisions of this Act are separable and if any section or part hereof shall be held unconstitutional or void by any court for any reason, the same shall not affect the validity of any other part or section of this Act, and the same shall remain and be in full force and effect."

ONEAL.

Senator Oneal's amendment to S. B. No. 9 is pending.

#### Senate Resolution No. 12.

Senator Holbrook sent up the following resolution:

Whereas, This is the One Hundred and Forty-seventh Anniversary of our Federal Constitution which in my judgment is still entitled to be called the covenant of all our liberties, and

Whereas, There are still a few Americans who believe in its teachings, among whom is the Honorable George B. Terrell, Congressman at large from this State, and

Whereas, Mr. Terrell is now in the Senate Chamber, therefore be it

Resolved that he be invited to address the Senate at this time on how a Democrat should view the Constitution.

Read and unanimously adopted.

The Chair, Lieutenant Governor Edgar E. Witt, appointed Senator Holbrook and Senator Redditt to escort Congressman-at-large George B. Terrell to the platform. Senator Holbrook introduced Mr. Terrell, who briefly addressed the Senate.

#### Senate Resolution No. 13.

Senator Woodul sent up the following resolution:

Whereas, Senator's-elect Claud Westerfeld and L. J. Sulak are within the Capitol City, therefore be it

Resolved that they be invited to address the Senate and be accorded the privileges of the floor.

WOODUL,  
PACE,  
PATTON.

Read and unanimously adopted.

The Chair appointed Senators Woodul, Pace and Patton to escort the Senator-elect Claud Westerfeld and Senator-elect L. J. Sulak to the platform. Senator Woodul introduced Senator-elect Westerfeld who addressed the Senate briefly Senator Patton introduced Senator-elect Sulak, who also spoke briefly to the Senate.

#### Senate Bill No. 19.

Senator Beck sent up the following bill:

By Senator Beck:

S. B. No. 19, A bill to be entitled "An Act making an appropriation for the continuation of malaria control by the State Board of Health, and declaring an emergency."

Read first time and referred to the Committee on Finance.

**Senate Bill No. 20.**

Senator Duggan sent up the following bill:

By Senator Duggan:

S. B. No. 20, A bill to be entitled "An Act validating, ratifying and approving ordinances of all home rule cities in this State having a population of more than twenty thousand (20,000) and less than twenty-one thousand (21,000) inhabitants, according to the last preceding Federal census; relinquishing, discontinuing, and segregating territory in the corporate limits of said home rule cities."

Read first time and referred to the Committee on Town and City Corporations.

**Message from the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Sept. 17, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 25, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city, school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State, provided same are paid on or before March 31, 1935, with an addition of one per cent (1%) on said taxes; provided said taxes are paid after March 31, 1935, and on or before December 31, 1935, with an addition of two per cent (2%) on said taxes; and provided said taxes are paid after December 31, 1935, and on or before March 31, 1936, with an addition of four per cent (4%) on said taxes; etc., and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Bill Referred.**

H. B. No. 25 was read and referred to the Committee on State Affairs.

**Message from the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Sept. 17, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 34, A bill to be entitled "An Act making an appropriation for the continuation of malaria control by the State Board of Health, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Bill Referred.**

H. B. No. 34 was read and referred to the Committee on Finance.

**Senate Bill No. 21.**

Senator Pace sent up the following bill:

S. B. No. 21, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas in respect to the conservation of oil and gas and the regulation of the production, storage, transportation, sale and handling thereof; amending Section 14 of Chapter 26 of the Acts of the First Called Session of the Forty-second Legislature; prohibiting the purchase, transportation, sale or handling of crude petroleum oil or natural gas produced in violation of any statute or any rule, regulation or order of the Railroad Commission; prohibiting the purchase, transportation, sale or handling of any product, by-product or derivative of crude petroleum or natural gas which has been manufactured, refined or produced from crude petroleum or natural gas produced in violation of any statute or any rule, regulation or order of the Railroad Commission of the State of Texas; authorizing the Railroad Commission to make rules, regulations or

orders necessary to carry out the provisions of this Act and to prevent violations of the same; enlarging and extending the jurisdiction of the Railroad Commission to cover and include the products, by-products and derivatives of crude petroleum oil and natural gas; providing for penalties, injunctions and other appropriate remedies in the event of violations and fixing the venue of such suits; amending Article 6036 of the Revised Civil Statutes of 1925 as amended by Section 3 of Chapter 26 of the Acts of the First Called Session of the Forty-second Legislature; providing that this law shall be cumulative of all other laws with respect to the subject matter, and providing that in the event of a conflict between this Act and any other law of the State of Texas respecting the subject matter the provisions of this Act shall control; providing that if any clause, section or provision of this Act shall be declared to be unconstitutional or otherwise invalid the other portions of said Act shall remain in full force and effect; stating the legislative intent; and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

#### Motion for Special Hearing.

Senator Martin moved that the Senate instruct the Committee on Civil Jurisprudence to conduct a special hearing on S. B. No. 21 Wednesday morning at 10 o'clock.

Senator Woodruff made a substitute motion that the Senate be instructed to have the special hearing on S. B. No. 21 on Tuesday night at 7:30 o'clock.

Senator Martin asked permission to withdraw his motion.

#### Point of Order.

Senator Woodward raised the point of order that the motion was out of order because it amended the rules of the Senate.

The Lieutenant Governor sustained the point of order.

#### Recess.

Senator Duggan moved to recess until 10 o'clock Tuesday morning.

Senator Pace offered a substitute motion to adjourn until 10 o'clock a. m., Tuesday.

The motion to recess prevailed.

### APPENDIX.

#### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Sept. 17, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 10, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Sept. 17, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 3, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, Sept. 17, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Town and City Corporation, to whom was referred

S. B. No. 20, A bill to be entitled "An Act validating, ratifying, and approving ordinances of all home rule cities in this State having a population of more than twenty thousand (20,000) inhabitants, and less than twenty-one thousand (21,000) inhabitants, according to the last preceding Federal census, relinquishing, discontinuing, and segregating territory in the corporate limits of said home rule cities."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, Sept. 17, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred

S. B. No. 14, A bill to be entitled "An Act to declare a closed season on the killing of Blue Quail, Bob Whites, and Doves in Terry County for a period of five years, prescribing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate that it do pass with the following committee amendment and be not printed.

REDDITT, Chairman.

#### Amendment.

Amend S. B. No. 14, Section 1, by striking out the words "for the period of five years from and after the passage of this Act." and substituting therefor, the words "for a period ending March 20, 1938," and amend the caption of said bill to conform therewith.

Committee Room,

Austin, Texas, Sept. 18, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 10, A bill to be entitled "An Act validating all concurrent resolutions adopted at previous sessions of the Legislature granting to persons, firms or corporations permission to sue the State of Texas to any of its courts upon claims against the State, providing that same shall be effective both as to suits already filed and pending and as to suits hereafter filed by authority of said concurrent resolution, providing that nothing therein shall operate to create any cause of action against the State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Sept. 17, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 49, A bill to be entitled "An Act making an appropriation for the salary of either a special investigator, or an assistant district attorney for the Forty-ninth Judicial District of Texas, said appropriation to be in lieu of that made by the Regular Session of the Forty-third Legislature for an assistant district attorney for said district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Chairman.

#### PRELIMINARY REPORT OF THE SENATE INVESTIGATING COM- MITTEE OF THE THIRD CALLED SESSION OF THE FORTY-THIRD LEG- ISLATURE.

Austin, Texas, Sept. 9, 1934.

To the Legislature of the State of Texas:

We, your committee authorized under Senate Simple Resolution No. 30, adopted February 27, 1934, as amending Senate Simple Resolution No. 120, Acts of the Regular Session of the Forty-third Legislature, for the purpose of looking into and determining the loss, theft, waste and dissipation of oil and gas in Texas for the purpose of determining appropriate legislation to correct same:

Beg to make this preliminary report to the Forty-third Legislature. Your committee held hearings in the City of Amarillo, Texas, April 9, 10, 11, and 12, 1934. This meeting was well advertised and was largely attended by many witnesses from all angles of the controversy, including farmers, big land owners, gas and oil well owners, and representatives of pipe lines, processing plants, and carbon black plants, all of whom were given an opportunity to testify. A copy of this testimony is herewith attached. The members of your committee visited the field and made a personal inspection of the production method and uses to which natural gas is being put. We submit the following brief of said testimony for your consideration.

We find it is the world's largest known gas field and is one common reservoir or pool. It extends from the southeast portion of Wheeler County through Gray, Carson, Hutchinson, Potter, Hartley and Moore Counties. It is about one hundred and twenty-five miles in length and varies in width from five to forty miles. The productive area embraces at least 1,350,000 acres of land, of which 982,324 acres are capable of producing sweet gas and the other land is capable of produc-

ing sour gas, that is, gas containing hydrogen sulphide.

We find there are:

Natural gas wells .....	750
Bradenhead wells .....	50
Plugged back and depleted wells .....	135

Total gas wells .....	935
Oil wells connected with plants .....	1217
Oil wells not connected .....	668

Total number of producing wells .....	1885
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Total number of wells .....	2820
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The greater majority of oil wells are producing vast quantities of natural gas.

Daily open flow capacity of all gas wells, 17,600,000,000 cubic feet. Daily potential oil production, 165,574 barrels.

Depth of wells 2000 to 3000 feet, at an average cost of \$12,000.00 per well.

The record shows:

#### Gasoline Extraction Plants.

Number of plants .....	40
Estimated daily capacity (cubic feet) .....	1,810,000,000
Number of gas wells connected to plants .....	338
Number of oil wells connected to plants .....	1,217

Gas content varies from .264 to .34, or about one gallon of gasoline to each 3000 cubic feet of gas. Price of gasoline at time of hearing was about 1½c per gallon.

The income to the land owner from gas stripped of its gasoline content and then blown into the air was one-eighth of from ten to twenty-five per cent of the value of the natural gasoline.

We find that there are nineteen gas pipe lines transporting gas from this field to Colorado, Nebraska, Iowa, Illinois, Missouri and elsewhere. Some of said pipe lines do not strip the gas of its gasoline content at or near its production, and we have been informed that the transporting of gas heavily laden with gasoline content is dangerous. Evidence indicates that pipe line companies own eighty per cent of the gas bearing acreage in this field.

The Railroad Commission reports show that approximately one billion seven hundred million feet of gas are now being produced daily. Pipe lines take four hundred million feet; carbon black plants probably four hundred and fifty million feet, and estimating gas used for fuels, it means nearly a billion feet is blown into the air each day.

According to the records of the commission for the month of February, 1934, 569,201,000 cubic feet of sweet gas and 724,437,000 cubic feet of sour gas was run to stripping plants daily. Some plants stripped sweet gas exclusively.

#### Carbon Black Plants.

Number in the field .....	25
Estimated daily capacity (cubic feet) .....	592,000,000
Daily consumption (cubic feet) .....	443,483,000

The income from gas used for carbon black was one-eighth of one cent additional to that which was stripped and then blown in the air.

We find many thousands of people employed in carbon black industries.

We find from the record that the value to the land owner per section of land when the gas is stripped varies from an estimated minimum of \$1,184.00 to an estimated maximum of \$2,960.00, depending upon the producer's contract with the stripping plant. We find further that the value to the land owner per section when used for heat and light purposes is from \$24,000.00 minimum to approximately \$48,000.00 maximum, depending upon the variations of prices paid by the pipe line companies to the producers. The latter figures are based upon the estimated footage of gas in place, this being fifteen million cubic feet per acre and does not take into consideration the time element in producing the gas. It should be noted that the value for stripping purposes should be realized only, over not to exceed five years, whereas the value for light and fuel purposes would be spread over an estimated period of 75 years.

The State received in taxes during the year 1932, ending September 30th:

From casinghead plants..\$ 35,603.49  
From natural gas..... 115,669.29

For the year ending September 30, 1933, the State received:

From casinghead plants..\$ 31,771.00  
From natural gas..... 156,002.34

It is estimated that the field originally contained twenty trillion cubic feet of gas, and that four trillion cubic feet have been withdrawn since its discovery in 1918. The original rock pressure of the field was 430 lbs. and the rock pressure the date of the hearing was 380 lbs, and in some areas it was found to be as low as 200 lbs.

The average price paid by stripping plants for gas that prevailed during the year 1933 was .292, and during the year 1932 the average price was .225, and the average price for gas used in stripping plants computed by the Comptroller was .001076 per thousand cubic feet on which taxes were paid for 1933. A minimum price per 1000 cubic feet for gas for fuel and lighting purposes was two cents. At the rate of a billion cubic feet blown into the air daily, with the State realizing no revenues thereon, the field will become exhausted in approximately five years. On the other hand, if the reservoir is protected for future fuel and lighting purposes the State should collect revenues from taxes at the present gross production rate in the sum of \$380.00 per day. This potential revenue would be realizable over the estimated period of 75 years for the life of the field for fuel and lighting purposes, the ultimate revenue recovery being based of course, upon the continued use of natural gas for such purposes. If the billion cubic feet of gas blown into the air was made into carbon black it would produce 66,000 pounds of carbon black at a minimum price of four cents per pound, or \$2640.00 worth of carbon black, meaning a loss in taxable values to the municipalities, counties and State of \$2640.00 worth of real property.

The probable life of gas reserve of this area, if production is not limited to light and fuel, will be in direct proportion to amount of withdrawal to sixteen trillion feet estimated to be in the reservoir at this time.

#### Recommendations.

We recommend that appropriate legislation be passed to prevent waste in the production of gas:

(1). That pipe line companies, casinghead plants and carbon black plants should be required to take ratably a sufficient amount of gas to meet the legitimate demands, and that all persons producing gas and oil should make correct reports to the Railroad Commission and to the Comptroller and that all parties in this field be restricted to a ratably production of gas irrespective of waste and that the land owners should receive just compensation for the gas taken from under their lands.

(2). That a tax of one-half cent per thousand cubic feet be placed on the production of natural gas in Texas.

(3). That all taxes paid to the State for the production of natural gas be refunded on such gas as is repressured into the same horizon from whence it came.

(4). We recommend the passage of legislation to equitably allocate the market for gas used for light and fuel among the several owners of a common pool, and when a ratably market on a fair basis and at a reasonable price is provided, the use of gas then be restricted to light and fuel usage, as Article 6008, Revised Statutes, originally provided.

(5). In areas productive of gas containing a high content of hydrogen sulphide or other substance rendering it unfit for light and fuel usage, and where the cost of treating such gas for the removal of its objectionable contents is prohibitive, it is recommended special permits be granted to allow the use of such gas for the manufacture of gasoline and the residue be utilized in the manufacture of carbon black or other similar uses, and under no circumstances that the residue gas be blown into the air.

(6). That the issuance of further carbon black permits, and the renewal of existing permits be contingent upon the requirement that carbon black plants take their gas requirements ratably from all such gas as is available for this usage.

(7). That legislation be passed restricting the amount of gas produced with oil and we think that the ratio of gas produced with oil should



be materially decreased and believe that an efficient gas-oil ratio should be determined and enforced in the Panhandle field, and in all other fields as well. We think that gas necessarily produced in the efficient operation of an oil well should be first stripped of its gasoline content, then used in the manufacture of carbon black, or used for light and fuel. Of course, exceptions would have to be made where there are no carbon black plants accessible, and no industrial use is available.

(8). We recommend that there be levied and collected a tax of 2 cents per thousand cubic feet upon all gas produced and sold at the well at a price less than 4 cents per thousand cubic feet.

(9). We recommend legislation requiring all natural gas produced in Texas to be stripped of its gasoline content before moving more than twenty miles from point of origin in pipe lines.

(10). It is further recommended that any taxes above referred to be levied as an occupation tax on the occupation of producing natural gas and not as a tax on the property itself.

In closing this report we deplore the large wastage of gas which now exists in the Panhandle Oil and Gas Field, however, the conservation of a resource naturally necessitates control and usage of the production by the body entrusted with the regulation of such resource, in order to protect the various interest involved. We think it is safe to say that the so-called waste problem in the Panhandle Gas Field would have been solved long before this time of the provisions of Section 4 of the Oil and Gas Conservation Law had been carried out as the Legislature intended, all of which goes to show that conservation is impossible without an equitable allocation of the market requirements.

Unless the comprehensive legislative program herein outlined can be enacted and enforced, the State cannot continue its conservation policy.

Respectfully submitted,

BECK, Chairman,  
WOODRUFF, Vice-Chairman  
REDDITT, Secretary,  
MARTIN,  
POAGE.

## SEVENTEENTH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
September 18, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess and was called to order by Lieutenant Governor Edgar E. Witt.

### Senate Bill No. 9.

The Chair laid before the Senate S. B. No. 9 which was pending business.

S. B. No. 9, A bill to be entitled "An Act to aid the Brazos River Conservation and Reclamation District in preparing the necessary plans, specifications and data and in making the necessary surveys, etc, and declaring an emergency."

Pending.

### Senate Bill No. 21.

Senator Pace asked unanimous consent to have advanced printing on S. B. No. 21.

Consent was granted.

### Senate Resolution No. 14.

Senator Beck sent up the following resolution:

Whereas, The Senate is in need of several additional copies of session laws, Acts of the Forty-third Legislature, therefore be it

Resolved that the Secretary of State furnish to the Senate of Texas six bound copies of the above laws, one for the use of Senate Investigating Committee, one for the Lieutenant Governor, one for Secretary of Senate, one for Librarian and two copies for General use of the Senate.

S. R. No. 14 was read and adopted.

### Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message from the Governor:

Executive Office,  
Austin, Texas, Sept. 17, 1934.  
To the Forty-third Legislature in Third Called Session.  
By request from Senators Regan, Rawlings, Stone and others, I submit